



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (CAO) NO. 812 OF 2023
IN
MISC CIVIL APPLICATION (ST.) NO. 8271 OF 2023
IN
FIRST APPEAL NO. 523 OF 2004

Basantibai W/o. Ramrkishna Wankhade and another
.VS.

Bharat S/o. Kisanrao Nihade and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Mr. C. A. Joshi, Advocate for the applicants

CORAM : G.A. SANAP, J.
DATE : JANUARY 12, 2024.

Heard.

2. This is an application for condonation of 1753 days delay caused in filing the application for restoration of the appeal, which was dismissed vide order dated 16.06.2016. The respondents are duly served. They have failed to appear before this Court.

3. I have heard the learned Advocate for the applicants. Perused the record and proceedings.

4. Learned Advocate for the applicants submitted that the applicants have a good case on merits. He submits that in case they succeed in the appeal then they

may not be allowed the interest on the decretal amount for the delayed period.

5. The reasons for delay have been stated in the application. There is no challenge to the facts stated in the application. Therefore, the application is **allowed**.

6. Delay of 1753 days caused in filing the restoration application is hereby condoned.

7. The claimants/applicants shall not be entitled to get interest for the delayed period.

8. The application for restoration be registered.

9. After registration, the restoration application be listed after two weeks.

10. The application stands **disposed of**, accordingly.

(G. A. SANAP, J.)

Namrata